

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

CHRIS HUGHEY	§	
	§	CIVIL ACTION NO. 6:06cv276
ED OWEN, ET AL.	§	

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ENTERING FINAL JUDGMENT

The Plaintiff Chris Hughey, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Hughey complained about a drug test which he received while confined at the Michael Unit, as well as a disciplinary case which he received. After review of the complaint, the Magistrate Judge issued a Report on August 30, 2006, recommending that the lawsuit be dismissed. Hughey did not file objections to the Report; instead, on September 8, 2006, he filed a motion asking that his lawsuit be dismissed. Because Hughey did not file objections to the Report, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has carefully reviewed the pleadings and documents in this case, as well as the Report of the Magistrate Judge. Upon such review, the Court has concluded that the Reports of the Magistrate Judge are correct. It is accordingly

ORDERED that the Report of the Magistrate Judge is hereby ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled civil action be and hereby is DISMISSED with prejudice as to its refiling in federal court, but without prejudice as to any state-law claim which the Plaintiff may wish to raise in the courts of the State of Texas. It is further

ORDERED that the statute of limitations on the Plaintiff's state-law claims is hereby TOLLED from the date that this lawsuit was filed until 30 days after the final judgment dismissing the action is entered on the docket. It is further

ORDERED that the Plaintiff's claims regarding the validity of the disciplinary case which he received are hereby DISMISSED with prejudice until such time as he can show that this disciplinary case has been reversed on direct appeal, expunged by executive order, or otherwise declared invalid by state collateral action or the issuance of a federal writ of habeas corpus. Finally, it is

ORDERED that any and all motions which may be pending in this action are hereby DENIED.

So ORDERED and SIGNED this 23rd day of October, 2006.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS
UNITED STATES DISTRICT JUDGE**